

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 CURTIS J. WILLIAMS,

11 Plaintiff,

No. CIV S-05-0164 DFL PAN P

12 vs.

13 R. W. SANDHAM, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner, without counsel, seeking relief pursuant to 42
17 U.S.C. § 1983. On April 13, 2006, defendant Mangis filed a motion to modify the schedule to
18 extend the time to respond to two specific discovery requests.

19 A scheduling order may be modified only upon a showing of good cause,
20 i.e., when the moving party demonstrates he cannot meet the deadline despite exercising due
21 diligence. Fed. R. Civ. P. 16(b); Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th
22 Cir. 1992).

23 Pursuant to the January 6, 2006, scheduling order, discovery closes April 28,
24 2006.

25 Counsel for defendant Mangis asserts that she recently was assigned to this case.
26 Counsel must respond to a request for admissions served March 1, 2006, and interrogatories

1 served March 14, 2006. Counsel asserts defendant Mangis did not ever work for the California
2 Department of Corrections and Rehabilitation, and, after investigation, she determined he lives
3 across the country. Counsel asserts she can serve responses no later than May 29, 2006.

4 Counsel demonstrates she cannot meet the deadline despite due diligence.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Defendant Mangis' April 13, 2006, motion for an extension of time and
7 request to extend time for discovery is granted;

8 2. The January 6, 2006, schedule is modified only with respect to defendant
9 Mangis' time to serve responses to the request for admissions served March 1, 2006, and
10 interrogatories served March 14, 2006. Those responses shall be served on or before May 29,
11 2006.

12 DATED: April 25, 2006.

13
14 
15 UNITED STATES MAGISTRATE JUDGE
16
17

18 \004
19 \will0164.modif sched
20
21
22
23
24
25
26